

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
DUANE GOINGS,	:	VIOLATIONS:
a/k/a/ "Duane Ali,"	:	18 U.S.C. § 1029 (b)(2)
a/k/a "Gator," and	:	(conspiracy to commit credit card fraud - 1 count)
ALLEN SMITH,	:	18 U.S.C. § 1029(a)(4)
a/k/a "Squirrel"	:	(possession of device-making equipment with intent
	:	to defraud - 2 counts)
	:	18 U.S.C. § 1029(a)(1)
	:	(production of counterfeit access devices with intent
	:	to defraud - 1 count)
	:	18 U.S.C. § 1029(a)(3)
	:	(possession of 15 or more unauthorized access
	:	devices with intent to defraud - 1 count)
	:	18 U.S.C. § 2
	:	(aiding and abetting)
	:	18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C)
	:	(criminal forfeiture)

I N F O R M A T I O N

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

From in or around September 2002 to on or about February 14, 2005, in the
Eastern District of Pennsylvania and elsewhere, defendants

**DUANE GOINGS
a/k/a "Duane Ali,"
a/k/a "Gator," and
ALLEN SMITH,
a/k/a "Squirrel,"**

conspired and agreed with each other to knowingly and with intent to defraud possess device-
making equipment and to possess, produce, use, and traffic in unauthorized and counterfeit access

devices, that is, credit cards, thereby affecting interstate commerce, in violation of Title 18, United States Code, Section 1029.

MANNER AND MEANS

It was a part of the conspiracy that:

1. Defendant DUANE GOINGS manufactured counterfeit credit cards using legitimate credit card numbers that were stolen by defendant ALLEN SMITH, so that the counterfeit credit cards could be used to make fraudulent purchases at retail stores and restaurants.
2. Defendant DUANE GOINGS operated a counterfeit credit card manufacturing plant out of a room he rented in the 600 block of North Frazier Street, Philadelphia, Pennsylvania, using a variety of equipment, including, but not limited to, computers, computer software, a credit card scanner, a credit card cloning or skimming device, an embossing machine, a printer and supplies, and numerous counterfeit blank credit cards.
3. Defendant DUANE GOINGS used the name "Duane Ali" to purchase some of the items needed to manufacture the fraudulent credit cards, that is, credit card plastic, magnetic tape, and metallic tinting material, and had the items shipped to his home in the 6100 block of Nassau Road and then to his home in the 5700 block of West Jefferson Street, both in Philadelphia, Pennsylvania.
4. Defendant DUANE GOINGS provided to defendant ALLEN SMITH a small, black electronic cloning or skimming device that was capable of copying the data stored on the magnetic stripes of real credit cards, including the name of the cardholder, the account number, and the expiration date of the card, and then storing the data inside the device.

5. Defendant DUANE GOINGS instructed defendant ALLEN SMITH concerning how to use the cloning or skimming device and agreed to pay defendant SMITH by providing defendant SMITH with fraudulent credit cards and identification.

6. Defendant ALLEN SMITH used the cloning or skimming device while working as a gas station attendant at various gas stations in the southern New Jersey and secretly ran over 100 credit cards of patrons at these establishments through the device, thereby capturing the data from each card that was needed to manufacture counterfeit credit cards and otherwise make use of the account numbers.

7. Defendant DUANE GOINGS used the credit card numbers provided by defendant ALLEN SMITH to manufacture counterfeit credit cards in fictitious names.

8. The counterfeit credit cards were then used by defendants DUANE GOINGS and ALLEN SMITH and others to make and attempt to make fraudulent purchases worth more than \$120,000 in, among other places, New Jersey and Pennsylvania.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its unlawful objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania, and elsewhere:

1. In or around September 2002, defendant DUANE GOINGS approached defendant ALLEN SMITH and asked him if he was interested in helping defendant GOINGS manufacture fraudulent credit cards. Defendant GOINGS talked with defendant SMITH about defendant SMITH using a small, black cloning or skimming device to copy credit card information and provide that information to GOINGS.

2. In or around September 2002, defendant ALLEN SMITH agreed with defendant DUANE GOINGS to use the skimming device to get credit card numbers. Defendant GOINGS instructed defendant SMITH on how to use the cloning or skimming device to steal credit card numbers from other people without their knowledge. Defendant SMITH agreed to accept fraudulently manufactured credit cards as payment.

3. From in or around September 2002 until in or around February 2005, defendant ALLEN SMITH used the cloning or skimming device provided by defendant DUANE GOINGS to steal more than 100 credit card numbers of patrons at various New Jersey gas stations.

4. Between in or around September 2002 and in or around February 2005, defendant ALLEN SMITH provided the credit card numbers he had stolen to defendant DUANE GOINGS.

5. Between in or around September 2002 and in or around February 2005, defendant DUANE GOINGS paid defendant ALLEN SMITH by giving defendant SMITH fraudulently manufactured credit cards for defendant SMITH's use in exchange for the stolen credit card numbers that defendant SMITH provided to him.

6. Between in or around September 2002 and on or around February 14, 2005, using the stolen credit card numbers provided by defendant ALLEN SMITH, defendant DUANE GOINGS produced counterfeit credit cards that were then used by defendant SMITH and others to make and attempt to make more than \$120,000 in purchases in New Jersey, Pennsylvania, and elsewhere.

All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about February 14, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DUANE GOINGS,
a/k/a “Duane Ali,”
a/k/a “Gator,”**

knowingly and with intent to defraud, possessed device-making equipment, that is, computers, computer software, a credit card scanner, a credit card cloning or skimming device, an embossing machine, a printer and supplies, and numerous counterfeit blank credit cards, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(4).

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about January 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DUANE GOINGS,
a/k/a “Duane Ali,”
a/k/a “Gator,” and
ALLEN SMITH,
a/k/a “Squirrel,”**

knowingly and with intent to defraud, possessed, and aided and abetted the possession of, device-making equipment, that is, a small, black electronic cloning or skimming device designed to capture credit card numbers and related data as they are swiped through the device, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(4) and 2.

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

From in or around September 2002 until on or about February 14, 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**DUANE GOINGS,
a/k/a “Duane Ali,”
a/k/a “Gator,” and
ALLEN SMITH,
a/k/a “Squirrel,”**

knowingly and with intent to defraud, produced, and aided and abetted the production of, one or more counterfeit access devices, that is, more than 100 counterfeit credit cards, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(1) and 2.

COUNT FIVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about February 14, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DUANE GOINGS,
a/k/a “Duane Ali,”
a/k/a “Gator,”**

knowingly and with intent to defraud possessed fifteen or more unauthorized access devices, that is, approximately 127 credit card account numbers issued by the following banks and financial institutions, thereby affecting interstate commerce:

American Express,

Capital One,

Chase Bank,

Citibank,

Fleet Bank,

Shazam Bank, and

Wells Fargo.

In violation of Title 18, United States Code, Section 1029(a)(3).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1029, set forth in this Information, defendants

**DUANE GOINGS,
a/k/a “Duane Ali,”
a/k/a “Gator,” and
ALLEN SMITH,
a/k/a “Squirrel,”**

shall forfeit to the United States of America the following property:

- (a) Any personal property used or intended to be used to commit the offenses charged in this Information, including the specific property described in Counts One, Two and Three; and
- (b) any property constituting, or derived from, proceeds obtained directly or indirectly as the result of the violations of Title 18, United States Code, Section 1029, including but not limited to the sum of \$120,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).

PATRICK L. MEEHAN
United States Attorney